

PB# 87-76

**J. Tanner
(LLC)**

65-2-33.1, 33.2, 33.6

J. Tanner Lot Line Change 87-76

Approved 11-2-89

Oxford®

✱ ESSELTE

MADE IN U.S.A.

NO. 753 1/3

General Receipt		10988
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		<u>Oct. 31</u> 19 <u>89</u>
Received of <u>Forge Hill Country Furniture</u>		<u>43 ³⁰/₁₀₀</u>
<u>Forty Three and ³⁰/₁₀₀</u>		DOLLARS
For <u>P/B Engineering Fee # 87-76</u>		
DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Check # 43.30</u>		
<u># 657</u>		
By <u>Pauline N. Townsend</u>		
<u>Town Clerk</u>		Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt		9484
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		<u>Dec. 23</u> 19 <u>87</u>
Received of <u>Forge Hill Country Furniture, Inc.</u>		<u>\$ 25.00</u>
<u>Twenty-five and 00/100</u>		DOLLARS
For <u>Planning Board Application Fee (# 87-76)</u>		
DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Check # 501</u>		<u>\$25.00</u>
By <u>Pauline N. Townsend</u>		
<u>Town Clerk</u>		Title

Williamson Law Book Co., Rochester, N. Y. 14609

BY MR. CUOMO: The other comment was the sign?

BY MR. SCHIEFER: The sign, I am assuming you are going to address because you will end up at the Zoning Board of Appeals.

BY MR. CUOMO: And then also I did that form.

BY MR. SCHIEFER: The form we will check into. We want to check with Myra on that?

BY MR. CUOMO: I think she sent the whole thing down and then --

BY MR. SCHIEFER: Okay, thank you.

TANNER LOT LINE CHANGE: 87-76

Elias Grevas, L.S. came before the Board to present the proposal.

BY MR. GREVAS: This was presented to the Board some many months ago prior to the --

BY MR. VAN LEEUWEN: Did you go to the Zoning Board of Appeals?

BY MR. GREVAS: We did originally but since that time there has been a change on the property in that the property has been rezoned to a C zone. What I have just handed you is a copy of the resolution by the Town Board whereby they adopted a lead agency after many meetings with the archeological people on Knox Headquarters, hammered out the SEQRA process, had even archeological excavation on the property and all these things. So now we are back before you with this line change which represents a change in tax lot lines so that the Tanners can acquire lands from Mr. Gordon and Mr. and Mrs. Gordon will retain the house that they currently live in back to the rear of the property, and that property has access by means of the existing driveway that was established during the hearings and meetings with the state. And, as I say at this point, what we are requesting is approval of this lot line change to permit the Tanners to acquire this piece of property from Mr. and Mrs. Gordon.

BY MR. SCHIEFER: Any comments from the Board members?

BY MR. VAN LEEUWEN: No, we have looked at this before. Mr.

Chairman, we have hashed this over two or three times.

BY MR. GREVAS: This goes quite a ways back.

BY MR. SOUKUP: The lot is going to be created without any frontage or --

BY MR. GREVAS: There is no frontage requirement in the C zone.

BY MR. VAN LEEUWEN: I make a motion to approve the lot line change of Tanner 87-76.

BY MR. LANDER: Was that brought up at another meeting that you had frontage?

BY MR. GREVAS: Correct.

BY MR. LANDER: I will second it.

BY MR. SCHIEFER: Mark, do you have any comments on your comments here, anything we have overlooked?

BY MR. EDSALL: The comments on my comments, I think they are right.

BY MR. SOUKUP: With respect to the lands to be conveyed to Tanner, is that going to be put into one unified deed with the tract up front and made a single parcel?

BY MR. GREVAS: Yes.

BY MR. SOUKUP: That is a condition, we are not creating any new lots in any manner?

BY MR. GREVAS: That is correct. We have submitted the description to the attorneys.

BY MR. SOUKUP: The original retail lot of Tanner and the new lands will be all in one single deed, not separate parcels of any kind?

BY MR. GREVAS: Correct.

BY MR. SCHIEFER: I didn't mean that. I meant do you have any objection at this point?

BY MR. EDSALL: I think the Board should make a determination

for the record that with regard to the elimination of the frontage on the Gordon property that it does not require a variance in your opinion.

BY MR. LANDER: I think if we, I think we made a determination on that at a meeting about a year ago.

BY MR. EDSALL: When it was in the R-4 zone.

BY MR. GREVAS: When it was in R-4 zone, there was a street frontage requirement which we were eliminating which was the reason we were sent to the Zoning Board of Appeals.

BY MR. EDSALL: Bottom line being because it is now a C zone, it makes the single family residence nonconforming. There are no bulk requirements for that use. Therefore, it becomes questionable if you are allowed to decrease frontage to zero, so what I am saying is rather than set a precedent which I am sure many people would love to have you do, make a determination that this is a specific case which does not require a variance. Otherwise you are going to leave yourself open for a lot of people avoiding variances when they need them.

BY MR. VAN LEEUWEN: He has got his own private drive coming in.

BY MR. EDSALL: Access and frontage are two different things.

BY MR. GREVAS: This was all discussed with the Town Board during the ongoing process with the state and with the Tanners and so forth on the zoning change request over the past, as I say, almost two years now.

BY MR. VAN LEEUWEN: Is there an agreement for the Tanners to buy?

BY MR. GREVAS: I was just going to say that.

BY MR. VAN LEEUWEN: I remember you mentioning that before.

BY MR. GREVAS: In their contract between the parties, the Tanners have the right of first refusal on the acquisition of the Gordon piece that was documented to the Town Board. That is why the Gordon piece is also in the C zone.

BY MR. SOUKUP: The driveway is a valid access to the rear lot in that it can't ever be vacated or stopped by the State of

New York?

BY MR. GREVAS: That is correct. As a matter of fact, the State of New York, that was one of the points of discussion during those meetings, the State of New York conceded that that is a property right that they can't just acquire. It was in the deeds when the State acquired Knox Headquarters property. That is all in the town records.

BY MR. SCHIEFER: I think the Board is aware of the fact this is a special case and that has been written into the minutes of the meeting, so we will try not to set a precedent with it.

BY MR. VAN LEEUWEN: We don't want to set a precedent.

BY MR. SCHIEFER: Any other comments before we vote on this?

BY MR. SOUKUP: The only question I had on the -- is there a water line servicing the house in the back, or do they have a well?

BY MR. GREVAS: Right now they have a well. Sometime they will be served by water. He is tied in now, excuse me.

BY MR. SOUKUP: The back house is water and sewer?

BY MR. TANNER: Yes.

BY MR. SOUKUP: I don't see an access for the water line.

BY MR. GREVAS: There was an easement down this driveway to get to here at one time. I think that service line comes down --

BY MR. TANNER: The water comes down through the center of the property and branches and goes to both houses.

BY MRS. TANNER: It was done last year.

BY MR. SOUKUP: Then that should be somewhere noted so that the service can continue and can't be terminated for the benefit of Gordon.

BY MR. GREVAS: I'd be glad to add the note to the plan.

BY MR. SOUKUP: Water easement shall be continued over the lands of Tanner.

BY MR. GREVAS: Correct.

BY MR. VAN LEEUWEN: Add that to my motion.

BY MR. SCHIEFER: On the condition that the easement for the water line be included before we sign it, motion stands amended. Any other comments? If not, we will have a vote on the lot line change of Tanner.

ROLL CALL:

MR. SOUKUP: Aye.
MR. VAN LEEUWEN: Aye.
MR. LANDER: Aye.
MR. SCHIEFER: Aye.

TANNER SITE PLAN:

Mr. Elias Grevas came before the Board presented the proposal.

BY MR. GREVAS: The difference now is that the lot line change is out of the way. Originally, well, what I am saying is now this plan applies because without this lot line over here, the reason is I didn't have enough room for the building addition without having to go for a variance and that we did have a preliminary meeting with the Zoning Board of Appeals and right in the middle of that whole process, the zoning change was approved by the Town Board. So that changed the whole picture here. What we have now is a building addition to the existing Forge Hill Country Furniture Store to the rear and what I'd like to do, if I may, is ask Coleman Binum, the architect who prepared the rough layouts of the building elevations drawings, to show what the building addition will look like, since it is attached to this. I think this is one of the prettier buildings in the town.

BY MR. VAN LEEUWEN: Is the driveway going to be blacktop?

BY MR. GREVAS: Yes.

BY MR. BINUM: This is facing 94, so this is looking at the side.

BY MR. SOUKUP: One of the half stories, what does that include, a loft?

BY MR. GREVAS: Living area above.



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Licensed in New York,
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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Tanner Lot Line Change
PROJECT LOCATION: Route 94 (southside)
PROJECT NUMBER: 87-76
DATE: 9 August 1989
DESCRIPTION: The Applicants have submitted a plan for a lot line change, as well as the combination of two resultant lots into a single-lot. The plan was previously reviewed at the 9 March 1988 Planning Board Meeting.

1. As a result of this lot line change, Lot #33.1 will have its street frontage eliminated. This lot is understood to be an existing single-family residence, which was permitted in the former R-4 Zone. It is my understanding that this area has been re-zoned to "C", which makes this single-family residence non-conforming.

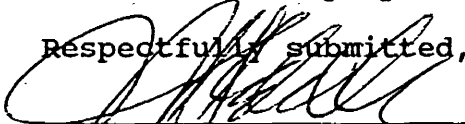
The Board should consult the Planning Board Attorney to see if a variance will be required (if it has not already been obtained) for the decrease in conformance of Lot #33.1, due to the elimination of road frontage.

2. Although it has already been discussed on several occasions, the Board may wish to have documentation submitted, to the satisfaction of the Planning Board Attorney, with regard to the availability of continued access for Lot #33.1 across the "existing driveway".

3. Other than the concern with regard to frontage and access for Lot #33.1, the lot line change, as proposed, appears to comply with the minimum Bulk Zoning Requirements for the "C" zone.

4. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEnje

ZBA

This is to certify that this document is a true copy
of same, as filed in my office.

#18 - 7/8 meeting
7/5/89

Signed:



Town Clerk

RE: RESOLUTION AMENDING ITEM #6-6/21/89 TOWN BOARD MEETING
STATEMENT OF NEGATIVE DECLARATION UNDER SEQ
TANNER/GORDON - ROUTE 94/FORGE HILL ROAD

MOTION BY Councilwoman FiedelholzSECONDED BY Councilman Spignardo

That the Town Board of the Town of New Windsor adopt the
following Resolution:

WHEREAS, the Town Board of the Town of New Windsor has determined
after review of the completed archeological survey and passage of
the 30 day period for comments by interested parties regarding
the TANNER/GORDON and ALAN J. KROE proposals for a change of
zoning located on Route 94, that said zoning change will have no
significant effect on the environment; and

WHEREAS, Lead Agency for such project has been designated as the
Town Board of the Town of New Windsor whose address is Town Hall,
555 Union Avenue, New Windsor, New York; and

WHEREAS, the person to contact for further information is
Supervisor George A. Green, whose mailing address is Town Hall,
555 Union Avenue, New Windsor, New York, (914) 565-8800; and

WHEREAS, the proposed applicant requests a zoning change from R-4
(single-family residential) to C (design-shopping); and

WHEREAS, the applicant, TANNER/GORDON has heretofore presented to
the town, a proposed site plan for a retail store complex and
said plan may require a subdivision and/or boundary line change;
and

WHEREAS, the applicant desires to resolve the issues of
environmental impact at this time for the proposed zoning change,
site plan approval process, and any subdivision and/or boundary
line change providing the said plans are substantially the same
as the plans presented to the Town Board; and

WHEREAS, the Town Board agrees to accept the present
Environmental Assessment Form and archeological survey as
substantial completion of the SEQ process pursuant to Part 617
of the Regulations; and

WHEREAS, the proposed change of zoning, site plan, subdivision
and/or boundary line change will not violate any of the criteria
for determining environmental significance as set forth in Part
617 of the Regulations; and

It is hereby RESOLVED:

That the Town Board of the Town of New Windsor finds that neither
the proposed Zoning Change from R-4 to C in the area of Route 94
known and designated on New Windsor Tax Map as Section 65, Block

2, Lots 33.11, 33.22, 33.6 and Section 70, Block 1, Lot 45 nor the site plan, subdivision and/or boundary line change on Section 65, Block 2, Lots 33.11, 33.22 and 33.6 will have an impact on the environment and hereby declares a negative declaration for environmental purposes.

And, it is finally RESOLVED:

That the Town Board of the Town of New Windsor hereby adopts the amendment to the Zoning Local Law, Chapter 48, Section 48-5 (Zoning Map), said local law to be known as Local Law #6-1989.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

Town Board Agenda: 07/05/89.

(TA DOC DISK#9-112086.EXT)

FARRELL, WILLIAM - Request for pool in sideyard of property at 301 Butternut Drive - R-4 zone. Mr. Farrell was present and stated that he owns a corner lot and was not aware of the fact that he had two front yards. Mr. Farrell also apprised the Board of the fact that when he initially applied for a building permit to install his above-ground pool and deck, he was told that he did not need any approvals from the ZBA.

The Board discussed this request in detail and did not seem to be able to tell from the notice of denial just exactly what the applicants were seeking, i.e. if an area variance, how much footage?

Secretary to forward memorandum to Building Inspector seeking a clarification of this request.

After reviewing plans, motion was made by Jack Babcock, seconded by Richard Fenwick, to schedule a public hearing upon the return of the completed paperwork and clarification from Building Inspector, Babcock. ROLL CALL: 5-0.

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PRELIMINARY MEETING:

GORDON/TANNER - Request for 60 ft. street frontage to obtain lot line change at property owned by Donald Gordon and a portion of the rear property to be conveyed to Jane Tanner located off Route 94 (adjacent to Knox Headquarters). Matter referred by Planning Board. Present: Elias D. Grevas, L. S. representing applicant.

Mr. Grevas presented a site plan of the property which is presently before the Planning Board for a lot line change. Same was referred to the ZBA since there is no actual street frontage. The back portion of the property is presently being accessed through an existing driveway (state lands) which has been in use for many years by Mr. Gordon. He wishes to retain the rear portion and sell off another piece, making the front portion larger. Ms. Tanner is also presently before the Town Board seeking a change in zoning for commercial use.

After review of plans, motion was made by Lawrence Torley, seconded by Joseph P. Skopin, to schedule a public hearing upon return of the completed paperwork. ROLL CALL: 5-0.

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PUBLIC HEARINGS:

LESHELMAR - Request for sign variance of 84 s.f. and 3 ft. height for Stewart Mall sign located on Route 207 in PI zone. Present: Robert Hankin, a partner of Lester Clark.

Applicant presented the following documentation:

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
April 25, 1988

(ZBA #4-042588.ZBA)

PLEASE BE ADVISED THAT OUR MEETING WILL BE HELD AT THE ALBERT MARASCO SENIOR CITIZEN CENTER LOCATED AT 555 UNION AVENUE (REAR OF TOWN HALL ON LEFT SIDE OF PROPERTY).

REVISED AGENDA:

7:30 p.m. - ROLL CALL

Motion to accept minutes of 4/11/88 meeting as written.

PRELIMINARY MEETINGS:

1. DIPLOMAT ASSOCIATES/BANTA'S FOOD CO. - Request for use variance to permit addition to Banta's Steak and Stein Restaurant located on Union Avenue in an OLI zone. Matter referred by Planning Board. Present: Phil Cerniglia, Architect.
2. FARRELL, WILLIAM - Request for pool in sideyard of property at 301 Butternut Drive - R-4 zone.
3. TANNER, JANE - Request for 60 ft. street frontage to obtain lot line change. Matter referred by Planning Board. Present: Elias D. Grevas, L.S. representing applicant.

PUBLIC HEARINGS:

1. LESHELMAR - Request for sign variance of 84 s.f. and 3 ft. height for Stewart Mall sign located on Route 207 in PI zone. Present: Lester Clark.
2. WORTMANN/SORRENTINO - Request for 10,495 s.f lot area variance and 35 ft. street frontage for construction of single-family residence on Weather Oak Hill in R-3 zone.
3. REIS, LAWRENCE - Request for 2 ft. 6 in. sideyard variance to construct two-car garage at 22 Willow Lane in R-4 zone.

Adjournment

Pat - 565-8550 (o)
562-7107 (h)

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 87-76

Date 20 APRIL 1988

To: JANE A. TANNER
16 QUAKER AVE.
CORNWALL N.Y. 12518

PLEASE TAKE NOTICE that your application dated _____
for ~~(Subdivision - Site Plan)~~ LOT- LINE CHANGE
located at BLOOMING GROVE TYPE, (RT. 94)

is returned herewith and disapproved for the following reasons.

VARIANCE REQ'D TO REDUCE EXISTING STREET FRONTAGE
OF 25 FEET TO PROPOSED 0 FEET.

HENRY SCHEIBLE *ms*
Planning Board Chairman

<u>R-4 ZONE</u>	<u>ONE-FAMILY RESIDENTIAL</u>		
<u>Requirements</u>	<u>WITH SEWER AND WATER</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	<u>15,000 Sq. Ft.</u>	<u>25,800</u>	<u>—</u>
Min. Lot Width	<u>100 Ft.</u>	<u>145 ± Ft.</u>	<u>—</u>
Req'd Front Yd.	<u>35 Ft.</u>	<u>68 ± Ft.</u>	<u>—</u>
Req'd. Side Yd.	<u>15-30 Ft.</u>	<u>42-102 Ft.</u>	<u>—</u>
Req'd. Rear Yd.	<u>40 Ft.</u>	<u>42 ± Ft.</u>	<u>—</u>
Req'd. Street Frontage*	<u>60 Ft.</u>	<u>0 Ft.</u>	<u>60 Ft.</u>
Max. Bldg. Hgt.	<u>35 Ft.</u>	<u>Ext'g 1 1/2 Sty</u>	<u>—</u>
Min. Floor Area*	<u>1000 Sq. Ft.</u>	<u>Ext'g</u>	<u>—</u>
Dev. Coverage*	<u>30 %</u>	<u>Not Indic. %</u>	<u>— %</u>
Floor Area Ratio**	<u>N/A</u>	<u>N/A</u>	<u>—</u>

* Residential Districts only

** Non-residential Districts only

J. TANNER SITE PLAN PRE-SUBMISSION

3-9-88

Mr. Grevas: This is the sketch site plan of Jane Tanner next. The reason for the request is this. The Tanner's that operate the existing store here would like to create a small shopping center in here. This is the existing building here. They would like a shopping center on this side of the line. It is an R4 single family residential.

Mr. Edsall: What zoning map has the C cutting across there? We

haven't been able to verify that.

Mr. Grevas: It is the Town Zoning Map.

Mr. Edsall: We haven't been able to verify that.

Mr. Grevas: That map which I prepared does not show the C, but if I may proceed with the purpose here. This property, this is the existing Forge Hill Country Furniture and this is the Gift Horse proposal is to extend a small shopping center into this land using the C zone designation as to put the building here and add to this building here and here. Here use this existing building. We put the requirements on the plans for the C zone and again this is a sketch plan. The point here is that there is going to be an easement right off of this corner. In the event that this easement dies, this easement will provide for them to go right out through here. It is in the contract between this piece and this piece and I have a copy of that.

Mr. Schiefer: We still have the problem as far as road frontage is concerned.

Mr. Grevas: No access problem.

Mr. Scheible: That existing stone garage, I see it hanging over the line.

Mr. Grevas: Only a slab remains. The building was knocked down. That is a copy of the agreement between the Tanner's and Mr. Gordon. Do you want to see that?

Mr. Ronas: Thank you.

Mr. Grevas: The road frontage requirement issue has to be addressed, no question about that.

Mr. Pagano: What about the house, is anybody going to live in it?

Mr. Grevas: No. The idea is to make a restaurant out of it.

Mr. Pagano: Will there be any living quarters in there?

Mr. Grevas: No, the proposed building on the site would match the existing architecture. The existing site lends itself to it very nicely. We have made a request to the Town Board back in October for a zone change and at their January meeting, the Town Board referred it to the Planning Board for recommendations. What

we are here for tonight to do is get a recommendation from the Planning Board to the Town Board on your feelings on this matter.

Mr. Scheible: Zoning, you mean?

Mr. Van Leeuwen: You are asking us to go to the Town Board?

Mr. Grevas: Make your recommendation whether or not you agree with the zoning change request. The sketch plan was done to show you our intentions.

Mr. Scheible: What was the entire area, it sits in an R4?

Mr. Grevas: Correct, the commercial zone at one point. I have several of these maps, at the time we were discussing the zone changes. So, really, I am asking for a zone designation to be C on the whole site. We have a professional office and a furniture store. That is existing. Also we have a gift shop. So really to put single family homes in the middle of that doesn't seem to fit this type of use which is not a high density use. It is something that we feel, the client feels, and I feel, would be compatible with the area.

Mr. Scheible: I'd like to set up an inspection date to go down there, have the Board walk the area.

Mr. Schiefer: But I think we can send them to the Zoning Board of Appeals.

Mr. Grevas: If the State has decided it is an open roadway, not a town road, but an open roadway for 200 years, does that qualify as a road on which we have frontage?

Mr. Ronces: I don't think so.

Mr. Scheible: How wide is the easement there? Is it considered an easement through the lands of --

Mr. Grevas: Considered, and when the road system got shifted around these were still here and they were in use all the time.

Mr. Jones: This is all historic property here?

Mr. Grevas: Of course.

Mr. Jones: We made one development do a full environmental impact because it is historical. You handled that deal, too.

Mr. Grevas: In this case, I have informed Jane about the pitfalls

here because we are next to an historic site and it is my understanding that she was contacting these people to find out whether or not there are any objections to any of these developments. She should receive a reply in writing before we proceed with the site plan application.

Mr. Schiefer: Who are these people at the State of New York?

Mr. Grevas: The State of New York Parks and Recreational Facilities, Palisades Park Commission. That would be part of the site plan application, no question about it. But before we go to that, we are asking for the zone change and if the zone change isn't forthcoming, there is no sense in proceeding.

Ms. Tanner: I spoke to the lady out there and at the time she did not voice any disapprovals of this. I have not received any letters from them whatsoever. We had worked back and forth with Knox Headquarters, arranging activities and things like that. At this point, we have worked hard to have a compatible arrangement with them insofar as activities and things.

Mr. Jones: I still maintain if it is historical I want to know about it.

Mr. Scheible: That is all well and fine, but unless we have something in writing in our hands from the State of them granting this approval for this type of project, there is no sense in us passing it onto the Town Board and asking for a zoning change recommendation. There is two steps. First step is the lot line and the State's approval for the project. Their stamp of approval on this type of project, then we can forward it onto the Town Board.

Mr. Grevas: For the lot line change, then, I request that it would be shifted over there based on Mr. Rones' account that the road is not what we would call a public road, so we can go to the Zoning Board of Appeals. Secondly, I would like to, if you do have time during your next field inspection routine, to go out and take a look at the site.

Mr. Scheible: We definitely will.

Mr. Grevas: I will be glad to accompany you.

Mr. Schiefer: I make a motion that the Town Board of the Town of New Windsor accept the lot line change of Jane Tanner.

Mr. Van Leeuwen: I will second that motion.

ROLL CALL:

MR. JONES	Nay
MR. PAGANO	Nay
MR. VAN LEEUWEN	Nay
MR. LANDER	Nay
MR. SCHIEFER	Nay
MR. SCHEIBLE	Nay

Mr. Schiefer: If we get approval from the State, I have no problem with this.

J. TANNER LOT LINE CHANGE (87-76) - GREVAS

3-9-88

Mr. Elias Grevas came before the Board representing this proposal.

Mr. Grevas: The purpose of this request is to allow J. Tanner

to acquire some additional land from Mr. and Mrs. Gordon. They are here this evening. This is so that they can extend back into the property leaving Mr. and Mrs. Gordon this existing building here. The map shows the existing building on the site. This is the Forge Hill Country Furniture Store. This is the gift shop. There are some other small buildings and this is the Gordon's existing home. It is fairly straightforward. I know there was a previous lot line change on Tax Lots 33.2 up here sometime ago, a couple years back which pushed this line once. Now, what we are asking for is to push it back here so that this is the new lot line here and all this land here would be Jane Tanner's. Also subsequent to this on the agenda is a sketched site plan showing the reason for this request.

Mr. Van Leeuwen: Where is the easement that gets through to the right-of-way to the Gordon's house?

Mr. Grevas: Mr. Gordon has rights over this existing driveway through State land.

Mr. Van Leeuwen: Okay. How are you going to do it? Is this going to become a road?

Mr. Grevas: This strip here, no.

Mr. Van Leeuwen: Not the center strip?

Mr. Grevas: Well, it will on the site plan. You will see it in a few minutes what we are talking about is a lot line change pushing these dimensions back here. The title has indicated he has rights over this existing driveway. We have taken care of it in the event something happens over here.

Mr. Van Leeuwen: Can the State take it away from him?

Mr. Grevas: I don't think so, but that is only my opinion. I am not an attorney, nor a judge.

Mr. Scheible: There is no other access to the land of Donald Gordon right now except only this State owned piece of property coming in, is that correct?

Mr. Grevas: That is correct.

Mr. Scheible: That is the only access to the back piece now?

Mr. Grevas: As it has been. It's been an open road for 200 years. It is a lane, a driveway, we have a letter from the State saying

that we have a perfect right to use it because it has been open.

Mr. Lander: There is no road frontage for that lot in the back.

Mr. Grevas: Yes, that is true. The building, as it stands now, is served by this driveway as this is here which is already separated.

Mr. Van Leeuwen: Why don't you show us the site plan and see what we are going to do?

Mr. Schiefer: I'd like to have those sets back, put in there.

Mr. Grevas: On what?

Mr. Schiefer: Where the buildings are from the property line. We are creating a lot without frontage which we didn't have before.

Mr. Grevas: Very good point. Two things that we must address, access to the back piece and offsets to the existing structures.

Mr. Edsall: Here is the tax map so you can figure it out.

Mr. Scheible: They still had frontage, but you are eliminating this frontage.

Mr. Schiefer: That is why it has to go to the Zoning Board of Appeals.

Mr. Van Leeuwen: This is the lot that Tanner is on, right?

Mr. Grevas: Correct.

Mr. Van Leeuwen: This whole piece is all one?

Mr. Grevas: No, this is two separate lots.



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: J. Tanner Lot Line Change
PROJECT LOCATION: Route 94 (South Side)
NEW WINDSOR #: 87-76
9 MARCH 1988

1). The Applicants have submitted a plan for what appears to be a lot line change, as well as the combination of two resultant lots into a single lot.

2). Based on a review of the project file and conversations with Supervisor Green, it is my understanding that this lot line change is the first of a three (3) step process such that the larger of the two created lots can be developed as a small "Shopping Center". The three (3) steps are as follows:

- a. Lot line change and lot combination.
- b. Zone change from R-4 to C.
- c. Site Plan approval for "Shopping Center" development.

3). Based on my review of the file information and the Zoning Map of the Town of New Windsor, it is my opinion that the entire project area is within the R-4 Zone. Same has been confirmed with Building Inspector Michael Babcock. Therefore, by separate memorandum, I have advised the Town Board that an overall zone change is requested, rather than the relocation of the zone line as requested in the letter to the Town Board.

4). Currently three (3) lots exits for the subject project area. The lot on which the 1 1/2 story frame house is located (Lot 33.1) currently has 25 +/- foot frontage on Route 94. The zoning requirement for the R-4 Zone is for 60 foot frontage. As a result of the proposed action, Lot 33.1 would have no frontage on any roadway. It is my understanding that increasing a non-conformance requires a variance.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

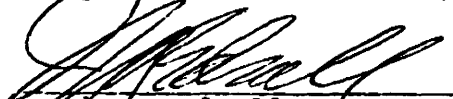
PROJECT NAME: J. Tanner Lot Line Change
PROJECT LOCATION: Route 94 (South Side)
NEW WINDSOR #: 87-76
PAGE TWO

5). The Board may wish to discuss with the Applicant where the permanent access to Lot 33.1 will be from if the proposed lot line change is approved. Is the "existing driveway" through the lands of Knox Headquarters the permanent access? Are the lands of Gordon provided with an easement for this driveway across the State property? Without providing permanent access to the site, I cannot see how the lot line change can be approved.

6). Other than the problem with frontage and access for Lot 33.1, the lot line change as proposed appears to comply with the Bulk Zoning Requirements for the R-4 Zone.

7). No review comments have been made for the Sketch Site Development Plan for the project, pending Town Board action regarding the Zoning Change. Such Site Development Plan will be the subject of a separate application to the Planning Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJE/dl
jtanner

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

87-76
(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE
OR SUBDIVISION PLAN APPROVAL

BOUNDARY/LOCATION SURVEY &

1. Name of Project PROPOSED LOT LINE CHANGE FOR JANE A. TANNER
2. Name of Applicant JANE A. TANNER Phone (914) 561-4619 (B)
Address 16 QUAKER AVE. CORNWALL N.Y. 12518
(Street No. & Name) (Post Office) (State) (Zip)
3. Owners of Record JANE A. TANNER and
DONALD C. GORDON & MARTHA A. GORDON Phone _____
Address 815 BLOOMING GROVE TPKE. NEW WINDSOR, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan ELIAS D. GREVAS, L.S. Phone (914) 562-8667
Address 33 QUASSACK AVE. NEW WINDSOR N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the South side of Rte. 94
350' ± feet West
(Direction)
of Forge Hill Road
(Street)
7. Acreage of Parcel _____ 8. Zoning District C & R-4
9. Tax Map Designation: Section 65 Block 2 Lots 33.1, 33.2 & 33.6
10. This application is for LOT-LINE CHANGE
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? _____

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

_____ being duly sworn, deposes and says
that he resides at _____
in the County of _____ and State of _____
and that he is (the owner in fee) of _____
(Official Title)
of the Corporation which is the Owner in fee of the premises
described in the foregoing application and that he has authorized
_____ to make the foregoing
application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

(Owner's Signature)

23rd day of December 1987

(Applicant's Signature)

Pauline G. Townsend
Notary Public

Owner
(Title)

PAULINE G. TOWNSEND
Notary Public, State of New York
No. 4643692
Appointed in Orange County
My commission expires Mar 30, 1989

REV. 3-87

12/31/89



ELIAS D. GREVAS, L.S.
LAND SURVEYOR
33 QUASSAICK AVENUE
NEW WINDSOR, NEW YORK 12550
(914) 562-8667

LAND SURVEYS
SUBDIVISIONS

SITE PLANNING
LOCATION SURVEYS

23 December 1987

Page 1 of 2

Jane A. Tanner
16 Quaker Avenue
Cornwall, N.Y. 12518

SUBJECT: PROPOSED LOT LINE CHANGE AND SITE PLAN, LANDS TO BE
ACQUIRED FROM DONALD C. & MARTHA GORDON

Dear Jane:

Since there seems to be some confusion over the necessary steps to accomplish what you want to do, allow me to outline the steps to be taken for each of the above items.

LOT LINE CHANGE:

If you wish to acquire lands from the Gordons prior to the Zone Change and Site Plan Approval, the Lot Line Change Plan must be submitted to the Town of New Windsor Planning Board and APPROVED by that Board.

This will allow the Gordons to transfer Title to you and retain their parcel.

ZONE CHANGE:

The request for the Change of the Zone District Boundary goes to the Town Board. That Board will request a recommendation from the Planning Board as a part of the process. After the recommendation has been received from the Planning Board, the Town Board will schedule a Public Hearing to determine if there is opposition to the change, and make a decision on the request.

Although Site Plan elements were shown on the plan submitted with the Zone Change Request, those elements were for information purposes only, so that the Town Board can understand what is proposed for that site.

SITE PLAN APPROVAL:

If the request for the Zone Change is approved, it is then necessary to submit the Site Plan to the Town of New Windsor Planning Board for approval. In addition to those items shown, other information, such as Topographic data and proposed water and sewer service, must be added to the plan. In addition, an Environmental Review will be performed. As a part of the latter process, the fact that the site is adjacent to Knox Headquarters (an historic site), the State Historic Preservation Office will probably comment on your proposal. I suggest that you begin that process as early as possible, by sending a copy of the proposed Site Plan to that agency to elicit their comments for the Planning Board's information.

SUBJECT: PROPOSED LOT LINE CHANGE AND SITE PLAN, LANDS TO BE
ACQUIRED FROM DONALD C. & MARTHA GORDON

I trust that the information listed above is helpful to you to understand the Approval Process. The Lot Line Change, at this point, has no connection with the Zone Change Request or Site Plan Approval. The purpose of the Lot Line Change is for your acquisition of the property only.

If you should have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours

A handwritten signature in black ink, appearing to read 'E. Grevas', with a stylized flourish at the end.

Elias D. Grevas, L.S.

EDG/bg

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Donald C. Gordon, deposes and says that he
resides at 815 Blooming Grove Turnpike New Windsor
(Owner's Address)

in the County of Orange

and State of New York

and that he is the owner in fee of Tax Map 33.6 & 33.1

which is the premises described in the foregoing application and
that he has authorized Jane A. Tanner
to make the foregoing application as described therein.

Date: 23 December 1987

Donald C. Gordon
(Owner's Signature)

Phyllis Polyzou
(Witness' Signature)

SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: Proposed Lot Line Change for Jane A. Tanner

Location: S. Side Rte 94, 350' ± West of Forge Hill Road

ID Number: _____

INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

ENVIRONMENTAL ASSESSMENT

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|
| 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will there be a major change to any unique or unusual land form found on the site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Will project alter or have a large effect on an existing body of water? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will project have an adverse impact on groundwater quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Will project significantly effect drainage flow on adjacent sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will project affect any threatened or endangered plant or animal species? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Will project result in a major adverse effect on air quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Will project have a major adverse effect on existing or future recreational opportunities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Will project result in major traffic problems or cause a major effect to existing transportation systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Is project non-farm related and located within a certified agricultural district? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Will project have any adverse impact on public health or safety? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is there public controversy concerning any potential impact of the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

FOR AGENCY USE ONLY

Preparer's Signature: [Signature] Date: 23 Dec. '87

Preparer's Title: Land Surveyor

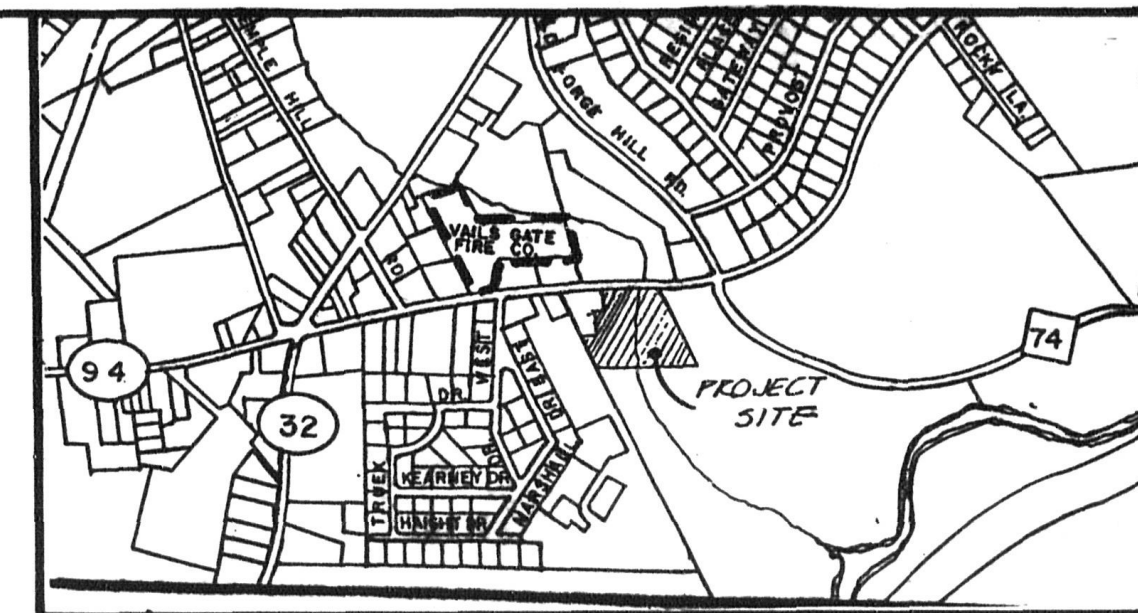
Agency: _____

BLOOMING GROVE TURNPIKE N.Y.S. RTE. 94

N/F ALLYN

N/F KNOX VILLAGE ASSOCIATES

N/F PEOPLE OF THE
STATE OF NEW YORK
(KNOX HEADQUARTERS)



LOCATION PLAN 1"=1000'

N/F PEOPLE OF THE
STATE OF NEW YORK
(KNOX HEADQUARTERS)

NOTES

1. Being a proposed Lot-Line Change adding Tax Map Section 65, Block 2, Lots 33.6 and Part of 33.1 to Lot 33.2, creating a parcel comprising 3.02 +/- Acres.
2. Boundaries and structures shown hereon are from field surveys completed by the undersigned on 30 July 1987 and 24 July 1989.
3. PROJECT/APPLICANT
Jane A. Tanner
16 Quaker Avenue
Cornwall, NY 12518
4. PROPERTY ZONE: "C" (Design Shopping)
5. Alteration or addition to this plan is a violation of Section 7209(2) of the N.Y.S. Education Law.

SPECIAL NOTE:

AN EASEMENT FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING WATER LINE RUNNING THROUGH LANDS TO BE CONVEYED TO TANNER SERVICING LANDS TO BE RETAINED BY GORDON SHALL BE INCLUDED IN THE DEED OF TRANSFER.

LOT LINE CHANGE APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON 11/2/89

BY *Daniel C. McCarville*
DANIEL C. MCCARVILLE
SECRETARY



Grevas & Hildreth, P.C.	
33 QUASBAUGH AVENUE, NEW WINDSOR, NEW YORK 12550	
TEL: (514) 562-6667	
REVISIONS:	
DATE	DESCRIPTION
12/23/87	ADDED LOCATION PLAN & TAX MAP DATA
3/14/88	ADDED BUILDING OFFSETS
7/20/89	REV. BILL NOTES
8/24/89	ADDED SPECIAL NOTE PER PL. 8.D. COMMENTS OF 2 AUG. 1989

PLAN FOR:	
JANE A. TANNER	
TOWN OF NEW WINDSOR	ORANGE COUNTY NEW YORK
Drawn:	BOUNDARY/LOCATION SURVEY AND LOT-LINE CHANGE
Checked:	
Scale: 1"=40'	
Date: 9/22/87	Job No: 87-088
10/25/89 87-76	